

## **Minutes of the Liquor Control Commission**

The Liquor Control Commission of the McLean County Board met on Tuesday, February 19, 2013 at 9:50 a.m. in Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Sorensen, Members Hoselton and Brandt

Members Absent: Members Cavallini and Wendt

Staff Present: Diana Hospelhorn, Recording Secretary, County Administrator's Office

Department Heads/  
Elected Officials:

Others Present: Mr. Pablo Eves, First Assistant State's Attorney, Civil Division, Mr. James Bass, Attorney for Lake Road Inn, Mr. Orin Graybill, Liquor License holder

Chairman Sorensen called the meeting to order at 9:50 a.m. He noted that the first item for action is approval of the September 18, 2012 Liquor Control Commission Minutes. He asked if the Committee had any corrections to the minutes. Hearing none, Chairman Sorensen approved the September 18, 2012 Liquor Control Commission Minutes as presented.

Chairman Sorensen stated that the only item for action is the Hearing on McLean County vs Lake Road Inn, LV-12-02. He asked Mr. Pablo Eves, First Assistant Civil State's Attorney to address the Commission.

Mr. Eves noted that LV-12-02 was previously addressed in June, 2012 and was continued to follow the proceedings of case #12-CM-937, unlawful sale of alcoholic beverages to a minor. This case involving Ms. Geraldine G. Tracy was resolved in November, 2012. Mr. Eves distributed to the Commission a certified copy of Ms. Tracy's admission to the unlawful sale of alcoholic beverages to a minor. Ms. Tracy was the employee on duty at the Lake Road Inn at the time and date of the violation.

Mr. Eves presented the Stipulation of Facts stating that:

- Lake Road Inn admits to the LV-12-02 complaint and the parties together ask the Commission to find Lake Road Inn guilty of violating the Liquor Control Act
- Lake Road Inn was previously found guilty of violating the Liquor Control Act in LV-09-01 and LV-10-01
- The parties have not agreed upon an appropriate penalty

Mr. Eves reviewed the complaint filed against Lake Road Inn in 2012, due to a routine alcohol compliance check done semi-annually by the Sheriff's Department. He advised that in August, 2012 Mr. James Bass, Attorney for Mr. Orin Graybill, Liquor License holder and owner of Lake Road Inn, moved to continue to allow the misdemeanor case against the bartender to be resolved.

Mr. Eves stated that the County has had only one Liquor License holder with a history of three liquor control violations. With the third violation the liquor license was suspended for a weekend and a fine was imposed.

Mr. Eves advised that, with the prior two violations, it is incumbent upon the Liquor Commission to make a statement to the licensee and to send a message to other licensees. He recommended that the penalty for LV-12-02 be:

1. A six day - three weekend suspension of Lake Road Inn's liquor license, imposed in three consecutive weekends starting as soon as possible.
2. A \$750.00 fine payable by August 26, 2013.

Mr. Eves stated that the suspension will begin at 12:01a.m. on Saturday continuing until 12:01 a.m. on Monday three consecutive weekends. Mr. Eves suggested that the suspension begin immediately. He asked the Commission if there were any questions. Hearing none Mr. Bass was asked to address the Commission.

Mr. Bass stated that Orin Graybill, Lake Road Inn, does admit to the LV-12-02. The violation is against an employee of Mr. Graybill and he does understand he is responsible for the actions of his employees. He noted that in case #12-CM-937, Ms Tracy was given court supervision by admitting her guilt. The situation did not involve minors in the bar being served alcohol throughout the night. The sting operation involved an undercover minor being served.

Mr. Bass reported that Mr. Graybill has owned and operated the business for 37 years. LV-12-02 is the third violation within those 37 years. He believes the history of this family owned and operated business deserves consideration. Mr. Bass noted that there was a short period of time the business was closed due to financial difficulties. A three weekend suspension and a fine will have an overly adverse effect on Mr. Graybill's business and income.

Mr. Bass advised that Mr. Graybill has taken steps to address the issue of the sale of alcohol to minors and the proper identification of IDs:

- Two employees have gone through the STEPS program operated by the Normal Police Department.
- Held meetings with all employees regarding the necessity of following all rules.

- Made available tools to help assure that the violation does not occur again.

Mr. Bass added that Mr. Graybill has purchased an ID scanner that reads bar codes on driver's licenses and IDs. The scanner immediately prints the authenticity of the ID or license. The scanner has been in service since shortly after the infraction occurred. All of Mr. Graybill's employees are well versed in how to use the scanner and have been instructed to do so after careful identification of dates and photo comparison.

Mr. Bass stated that a suspension of the liquor license is not necessary. Mr. Graybill has learned from the situation and taken the steps to insure that this does not happen in the future. He asked that, if there is any suspension of the license for any period of time that the suspension is only for a 2 day period and not on a weekend. Mr. Bass asked that the suspension be on a Monday and Tuesday.

Mr. Bass pointed out that the only other license holder having a third violation received a two day suspension. He respectfully requested that the same be considered for Mr. Graybill.

Chairman Sorensen asked if the Commission had any questions.

Mr. Hoselton recommended the penalty for the violation be a 2 day weekend suspension and a \$1,000 fine.

Mr. Hoselton asked what the penalty for the prior third violation was. Mr. Eves responded that he believes there was a two day suspension and a fine. Mr. Eves will check the records to verify.

Mr. Hoselton stated that Mr. Graybill has made an effort to correct the situation. The Commission needs to get the attention of Mr. Graybill and his employees. He noted that Friday nights are a busy time for the Lake Road Inn.

Ms. Brandt added that, with the time period not starting until 12:01a.m. on Saturday, the weekend suspension would not disrupt the Friday night fish fry.

Chairman Sorensen stated that he appreciates the mitigation efforts. It is more important that the establishment owner group and employees have a plan to assure that the violation does not happen again. He pointed out that there are liquor license holders that have the scanning machine and they are not always used. The mitigation plans are only as good as how well they are followed.

Mr. Eves reported that his files show that the Green Gables was penalized a two day weekend suspension of the liquor license and fined \$500.00 in 2007 for the third violation

within a three year period.

Chairman Sorensen advised that the Commission stay consistent.

Mr. Hoselton retracted his recommendation for the \$1,000 fine. Mr. Graybill has had three violations in 37 years; Green Gables had three violations within three years. Mr. Eves responded that Mr. Graybill has had three violations in four years and Green Gables had three violations in three years. The penalties are very similar.

Ms. Brandt stated that consistency is important. Both businesses are similar. She suggested that the Commission fine the Lake Road Inn \$750.00 and the license be suspended for a two day period.

Motion by Brandt/ to recommend  
a \$750.00 fine and a two day suspension  
of the Liquor License for LV-12-02.

Chairman Sorensen revisited the Green Gables order. The penalty did not include a fine, only the two day suspension.

Ms. Brant asked where the \$500.00 fine originated. Chairman Sorensen responded that the \$500.00 fine was on a previous violation. Mr. Eves acknowledge the records in fact showed this to be the case..

Mr. Bass respectfully requested that the Commission maintain consistency and not impose a fine.

Ms. Brandt retracted her original motion to recommend a \$750.00 fine

Mr. Hoselton retracted his second on the original motion to recommend a \$750.00 fine. The Commission is maintaining consistency. Mr. Graybill has expended the money for the scanner. There is no need for a fine.

Motion by Hoselton/Brandt to recommend  
a two day suspension of the Liquor  
License of Lake Road Inn – LV-12-02  
Beginning at 12:01 a.m. Saturday  
ending at 12:01a.m. on Monday.

Mr. Bass appreciates the Commissions attention. He noted that Mr. Graybill would prefer that the suspension begin this Saturday February 23, 2013.

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Chairman Sorensen commented that the prior message from the Commission was clear. The Commission is interested in mitigation: Mr. Graybill's plans to change his way of conducting business assuring this does not happen again. The Commission is satisfied that Mr. Graybill has thought about the situation, given this his full attention and installed the scanning device. Mr. Sorensen encouraged Mr. Graybill to see that the scanner is used .

Chairman Sorensen stated that it is the recommendation of the Liquor Control Commissioner that the penalty for LV-12-02 be a two day suspension of the Liquor License to begin Saturday, February 23, 2013 at 12:01 a.m. So ordered.

Chairman Sorensen asked if there was any further business to come before the Liquor Control Commission. Hearing none he adjourned the Liquor Control Commission Meeting at 10:35 a.m.

Respectfully submitted,

Diana Hospelhorn  
Recording Secretary